Mr. SPEAKER.—Clause 10. There is an amendment by Sri. Appanna.

Sri A. P. APPANNA.—I beg to move:

"That in item (ii) in the new serial number 37, for the words 'Rupees ten' the words 'Rupees fifteen per piece' shall be substituted."

Mr. SPEAKER.—Amendment moved:

"That in item (ii) in the new serial number 37, for the words 'Rupees ten' the words 'Rupees fifteen per piece' shall be substituted."

Sri A. P. APPANA.—In Serial No. 37 of the clause 10, the Select Committee has said that handloom carpets the cost of which does not exceed Rs. 10 must not be taxed. But I feel that since the cost of the materials for producing carpets have gone high, the price must be increased to Rs. 15, because these carpets are used by common man. Hence I propose this amendment

† **ಶ್ರೀ ಜಿ. ಎ. ಗೌಡ.**—ಹತ್ತು ರೂಪಾಯಿಗೆ ಯಾವ carpet ಕೂಡ ಸಿಕ್ಕೂವುದಿಲ್ಲ. ಒಂದು ವೇಳೆ handloom ನಲ್ಲಿ ಮಾಡಿದ ಜಮಖಾನಕ್ಕೆ ರಿಯಾಯಿತಿ ಕೊಡಬೇಕೆಂಬ ಅಭಿಪ್ರಾಯವಿದ್ದರೋ ಅದಕ್ಕೂ ಕೊಡಬಾರದೆಂಬ ದೃಷ್ಟಿಯಿಂದ ಹೀಗೆ ಹತ್ತು ರೂಪಾಯಿಗೆ ಕಡಮೆಯಿದ್ದರೆ ಅದಕ್ಕೆ ಮಾರಾಟ ತೆರಿಗೆ ಇಲ್ಲವೆಂದು ಮಾಡಿದ್ದಾರೆ. ಹದಿನೈದು ರೂಪಾಯಿಗೆ ಕೂಡ ಸಿಕ್ಕುವುದಿಲ್ಲ. ಇಪ್ಪತ್ತೈದು ರೂಪಾಯಿ ಎಂದು ಮಾಡಿದರೆ ಏನಾದರೂ ರಿಯಾಯಿತಿ ಸಿಕ್ಕುತ್ತದೆಯೋ ಏನೋ.

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ.—ಮೊದಲಿದ್ದ ಕಾನೂನಿನಲ್ಲಿ ಸ್ವಲ್ಪ ಸಂಶಯವಿತ್ತು. ಹತ್ತು ಹದಿನೈದು ರೂಪಾಯಿಗೂ ರಿಯಾಯಿತಿ ಸಿಕ್ಕುತ್ತಾ ಇರಲಿಲ್ಲ ಆದುದರಿಂದ ಬಡವರಿಗೆ ಜಮಖಾನೆಗಳು ಸಿಕ್ಕುವುದಕ್ಕೆ ಅವಕಾಶವಿರಬೇಕೆಂದು ಹೇಳಿದರು. ಈಗ ಬಡವರಿಗೆ ಸಹಾಯ ಮಾಡಬೇಕೆಂದು 15 ರೂಪಾಯಿ ಎಂದು ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆ. ಆದುದರಿಂದ ಇದನ್ನು ಒಪ್ಪುತ್ತೇನೆ.

Mr. SPEAKER.—The question is:

"That in item (ii) in the new serial number 37, for the words 'Rupees ten' the words 'Rupees fifteen per piece' shall be substituted."

The amendment was adopted.

Mr. SPEAKER.—The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Mr. SPEAKER.—The question is:

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri B. D. JATTI.—I beg to move:

"That the Mysore Sales Tax (Second) Amendment) Bill, 1962, as amended, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Seals Tax (Second) Amendment) Bill, 1962, as amended, be passed."

The motion was adopted.

THE MYSORE MUNICIPAL LAWS (AMENDMENT) BILL 1962

Motion to consider.

Sri K. PUTTASWAMY (Minister for Municipal Administration).—I beg to move:

"That the Mysore Municipal Laws (Amendment) Bill, 1962, be taken into consideration."

Mr. SPEAKER.—Motion moved:

"That the Mysore Municipal Laws (Amendment) Bill, 1962, be taken into consideration."

† **Sri B. R. SUNTHANkAR** (Belgaum City).—I rise to a point of order. This matter is *sub-judice* So, I submit that this House cannot take this Bill for consideration. A citizen of Belgaum has gone on a Writ Petition to the Mysore High Court and that Writ Petition has been admitted by the High Court. The number of the Petition is 1079/62.

Sir, in the Statement of Objects and Reasons of this Bill, it is stated:

"In the Belgaum Borough Municipality, the term of office of the Councillors has recently expired, and the President and

the Vice-President are carrying on the routine administration of the Municipality. In Jamkhandi Municipality also a similar situation had arisen some time back. As there is no provision in the Bombay Municipal Boroughs Act,1925, under which provision for Municipal administration can be made during such a contingency, it is necessary to make suitable provision in the Act.

Sir, in the Writ Petition, the High Court has been requested to direct the Government to hold fresh elections. Sir, according to Bombay Act, 18 of 1925 and under the Rules thereunder, particularly under Rule 12, it was obligatory on the Deputy Commissioner to hold elections as soon as the term expired.

Mr. SPEAKER.—Are you entering into the merits of the Bill? Or, are you activising the point of order that this House has no right to consider ?

Sri B. R. SUNTHANKAR.—I am trying to explain my point of order. So, the Writ Petition is to direct the Government to hold fresh elections to the Belgaum Municipal Borough. In this Bill, Clause 3, sub-clause (*a*)...

Mr. SPEAKER.— Would you consider that the pendency of a Writ Petition is a bar for consideration of the matter by this House ?

Sri B. R. SUNTHANKAR.—First, let me make my point clear as to why I say that the matter is *sub-judice.*

Mr. SPEAKER.—I have understood it. I have caught it very nicely.

Sri B. R. SUNTHANKAR.—I will be brief. Sub-clause (*a*) of Clause 3 and sub-clause (*c*) of Clause 6 come under *sub-judice* as they are under the adjudication of the Mysore High Court.

Mr. SPEAKER.— I concede that it is *sub-judice* ! what follows ?

Sri B. R. SUNTHANKAR.—As the subject matter, particularly of this sub-clause of Clause 3 is *sub-judice* and it is under the adjudication of the High Court, I suqmit.....

Mr. SPEAKER.—Which rule, ? which authority ? Is anything in sudport of the matter?

Sri B. R. SUNTHANKAR.—If the Government gives its sanction to the Bill, they may reject the Writ Petition...

Mr. SPEAKER.—You have not made yourself clear on technical points of law.

Sri B. R. SUNTHANKAR.—The whole question is before the High Court. It is very likely that discussion on the Bill may Prejudice the mind of the High Court. That is my point of order. Under Rule 52 of the Rules of Procedure, sub-rule (7), the motion shall not deal with any matter which is under adjudication having jurisdiction in any part of India.

Mr. SPEAKER.—Which motion ?

Sri B. R. SUNTHANKAR.—This Bill.

Mr. SPEAKER.—Which rule is that?

Sri B. R. SUNTHANKAR.—Sub-rule (7) of Rule 52.

Mr. SPEAKER.—Rule 52 deals with what ? They are motions of adjournment, and not a motion of this type.

Sri B. R. SUNTHANKAR.—That is a different matter.

Mr. SPEAKER.—would Sri V.S.Patil like to say anything in support of it? Sri Sunthankar Point is very nice, but he does not know law. You know law better. However, I do not think, there is much force in it.

Sri V. S. PATIL (Belgaum).—It is rather too difficult to convince you, Mr. Speaker.

Mr. SPEAKER.—Is it a reflection on me, or am I to take it that it is being argued ? But one point is there. You know that even with regard to matters pending before a Court, legislation can be effected.

Sri V. S. PATIL.–The question is, in a matter which is pending before a court of law...

Mr. SPEAKER.—In so far as legislation is concerned ; can there be any discussion ?

Sri V. S. PATIL.—It cannot be discussed—I do not say it is a rule. There is another Bill—Acquisition of Lands Validation Bill–which is pending before the Supreme Court according to the Bill itself.

Mr. SPEAKER.—Even if it is before the High Court, it can be legislated upon. Whether it will be accepted or not, it depends on the House.

Sri V. S. PATIL.—I think, when the matter is before the Judiciary, why should we take it up in the House—as if to criticise the Court. It may come in the way of giving an impartial judgment.

Mr. SPEAKER.—As a matter of prudence !

Sri V. S. PATIL.—As a matter of convention. There is no rule.

Mr. SPEAKER.—There is not much in the point of order raised. The rule quoted by Sri Sunthankar deals with motions for adjournment and not motion for considering the Bill. There will be no question of *sub-judice* so far as legislation is concerned, because, legislation is something supreme. And what is more, I am sure the mind of the judges is so high that it will be influenced by their own consideration and not by any debate. We are dealing with a matter before us and there is no provision for withholding permission for discussion. There is no point of order.

Sri K. PUTTASWAMY.—Sir, the amending Bill seeks to amend five municipal laws, which are in force in the several regions of the Mysore State. Sir, the Municipal Acts which are sought to be amended are :

> The Bombay District Municipal Act The Bombay Municipal Boroughs Act; The Madras District Municipalities Act ; The Mysore City Municipalities Act, and The Mysore Town Municipalities Act.

Sir, the provisions of this amending Bill are quite simple. The need for enacting such a legislation is very clearly stated in the Statement of Objects and Reasons. In a way, these provisions are not very strange to the Statute Book. Sir, I refer to the Mysore City Municipalities Act. There is a provision for appointment of a Special Officer under a certain contingency. The House is aware that very recently that provision was made use of and a Special Officer was appointed for the City Municipality of Mysore.

The circumstances which necessitated the appointment of a Special Officer are very fresh in the memory of this House. I had occasion to make a statement as to the reasons which made Government appoint a Special Officer for the Mysore City Municipality. The election was due to take place on 23rd January 1962, but on a writ petition filed by certain rate-payers, the High Court set aside the election calendar issued by the Acting Commissioner and there were hardly 10 days for the term of the Council to expire. The circumstances then necessitated Government to appoint a Special Officer. The Special Officer was appointed to see that the elections were conducted as expeditiously as possible. He was appointed for 3 months. He was able to complete the full process of election in 2 months. He was in office for only 2 months and 9 days and so the order of appointment of Special Officer was accordingly modified. Why I am bringing this to the notice of the House is that this is only the single instance of its kind. Government are very anxious to see that democratic bodies come into existence as early as possible. Whenever circumstances arise which prevent the bringing into existence of elected bodies, then alone the provisions that are contained in this amending Bill would be made use of.

There is one thing regarding the Madras District Municipalities Act. In the several other regions of Mysore State, for instance in the erstwhile Bombay, Mysore and Coorg areas, the period of the urban municipalities is 4 years whereas in Madras area it is only 3 years. Taking advantage of this amending Bill, we are seeking to bring about uniformity in the term of office of all the municipalities including the municipalities in the Madras area

I hope the House will pass the Bil into law.

†**Sri V. S. PATIL.**—Sir, the Hon'bl Minister in charge of the Bill has trie to clarify as to why this particula amending Bill has been brought befor the House. He has said that there i a similar provision in the Mysor Municipal Act and that such a provi sion should be incorporated in th Municipal Acts of the other integratin areas of the State. That is the mai basis on which he has tried to show th necessity of the present Bill. I ar sorry to say that this is a provisio which will be against democrati

principles, against our own constitutional rights. This is a retrograde step in all respects. Simply because such a provision is there in the erstwhile Mysore State, that cannot be the model on which we can rely to deprive the electorate of their legitimate right to elect their own bodies and continue their functions. We come from the old British area, an 'A' State area. In British area, we were given these rights long long back by several enactments and we had the legitimate right of electing our own representatives to manage our own affairs of our municipality. This right had been granted even by the Imperialist Government and it is being exercised by our Municipal Borough of Belgaum for the last 110 years or more. There is not a single instance when the administration was challenged by the erstwhile Bombay Government or so far even by the Mysore Government. So far as the administration of our Municipality is concerned, this Government tried to supersede it on political grounds. We approached the High Court and then the Government had to withdraw the notice. This is the tussle going on between our municipality and the Government. On the 20th February 1962, the term of office of our municipality expired. It was known to Government that the term of office of the municipality was to expire on 20th. Government could have easily extended the period of the municipality if that date was not suitable for holding elections and then held the election after 6 months or they could have directed the elections to be held even earlier. But the Government have done nothing. They want an opportunity to see that their own man is appointed at the helm of affairs of the municipality because that municipality has passed several resolutions since 1956 to the effect that it is a predominantly Marathi area. that it belongs to Maharashtra and that it should be merged with Maharashtra. That is the trend in the Municipal Borough since 1956.

An HON'BLE MEMBER.—Is it a predominantly Marathi area ?

Sri V. S. PATIL.—It is predominantly a Marathi area. If my friend suspects, let him come with me and see for himself. It is no use keeping your eyes shut to facts. That is not the way in which the Government is expected to behave in Democracy. My submission is that to take revenge upon the municipality and the people of Belgaum City this provision, especially the provision for appointment of a Special Officer, has been brought in. I appeal to the House, are we going to be a party to this political animosity by a few individuals that are on the Congress side ; are we going to deprive the individual voters of their rights which have been granted to them under the Constitution, that is to rule by their own elected representatives simply because certain North Karnatak leaders presume that at any cost, the Marathi element from the municipality must be crushed and brought to its knees. I may tell the House that the Marathi element of Belgaum is not so mild, not so meek and not so weak. It is a challenge thrown by this Government to see whether we are going to surrender. I say on the floor of this House that the Marathi element will not surrender to any threats or pressure. It will certainly abide by law and morals, but not allow themselves to be deprived of their legitimate rights by the tactics of these people.

The provision for superseding a municipality for mal-administration is there. I can point out that the Dharwar Municipality, the Hubli Municipality as well as the Bijapur Municipality have been superseded several times, but there is not a single instance in the whole of these 100 years where the Belgaum Municipality has ever been superseded. But unfortunately for the rulers of our State, that Municipal Council is not submitting to their desire and that is why the period was not extended, even though they were legitimately entitled to it.

5-00 P. M.

Now, even this Bill is a half-hearted one. There is a Bill published by the Government, to have an uniform municipal law for the whole State. They

(SRI V. S. PATIL)

could have brought that Bill here instead of bringing such half-hearted measures before this House and wasting the time and money of the Government. Why that Bill has been kept back, we do not know. The Hon'ble Minister has over-looked section 25 of the Bombay Municipal Boroughs Act, sub-section 2 (a) which says :

"The term of office of such Councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing Councillors hereinbefore provided and at which the quorum shall be present and the term of office of the outgoing Councillors shall be deemed to extend and expire on the date before the date of such meeting."

According to this provision, even though the Councillors cannot work, still they are deemed under the law to continue as members of that Council until the election is held and the first meeting of the new Council is held. So, between this period, all these members are deemed to be members. When they are deemed to be members, why a Special Officer is to be appointed? Where is the necessity ?

There is another provision which comes in the way of this amendment and that is the office of the President does not cease to function or come to an end by the expiry of the term of the Municipality. The President and Vice-President are empowered to act as such till a new President and Vice-President are elected by the new body. Till then, they are entitled to work as President and Vice-President. A provision should be made to the effect that the President shall cease to have powers and that the Councillors shall not be deemed to continue as Councillors when a Special Officer is oppointed. Otherwise, it will be conflicting and doubtful and the matter will have to go to a court of law for interpretation. Perhaps, the Hon'ble Minister might not have studied all these details. There are rulings to the effect that Government cannot refuse to extend the period or to hold the elections because the Municipal Borough or the Municipal Council cannot hold its own elections at its own will.y The election dates have to be fixed b the officers of the Government and if they do not fix it, is it the fault of the municipality or of the voters ? That is why I submit that the rights we have enjoyed in the British regime have been taken away by the present amendment and that is why I submit that such a retrograde step should not be allowed to be confirmed by this Hon'ble House which is expected to be more democratic and progressive than the persons occupying the Treasury Benches.

SRI N. HUCHMASTHY GOWDA.—Sir, may I have a clarification from the Hon'ble Member ? If the President and the Vice-President who are functioning in the Belgaum Municipality choose not to conduct any election, what should happen to the Municipal Council ?

SRI V. S. PATIL.—It is the Deputy Commissioner who is empowered to fix the dates and the programme of election. Unless the Deputy Commissioner fixes the date, it is not possible for the President or the Vice-President to hold the elections. I may refer my friend to Section 19 (2) which says :—

"On the expiry of the term of office of a Municipality, the President and Vice-President shall continue to carry on the current administrative duties of their office until such time as the new President and Vice-President shall have been elected and shall take over charge of the duties."

As to who is to hold the election, it is provided in the Election Rules. So, the power and authority for holding the elections is not rested in the President and Vice-President; the Government officers have to do it

†ಶ್ರೀ ಎಂ. ಶ್ರೀನಿವಾಸ ನಾಯಕ್ (ಮುಂಗಳೂರು-1).—

ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಈಗ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಈ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿದ ಸಮಗ್ರ ಬೆಳಗಾವಿ ಮುನಿಸಿಪರ್ ರಾಸ್ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಬಿಲ್ಲನ್ನು ನಾನು ಹಾರ್ದಿಕವಾಗಿ ಸ್ವಾಗತಿಸುತ್ತೇನೆ. ಕೆಲವು ಕಾಲದ ಹಿಂದೆಯೇ ಈ ಮಸೂದೆಯನ್ನು ಮಂಡಿಸ ಬೇಕಾಗಿತ್ತು. ಏನೋ ಕಾರಣದಿಂದ ಇದನ್ನು ಮಂಡಿಸಲಿಲ್ಲ. ಆದರೂ ಈ ಒಂದು ತಿದ್ದುಪಡಿಯಿಂದ ಇತರ ಬೇರೆ ಬೇರೆ ಸಂಸ್ಥಾನಗಳ ಮುನಿಸಿಪಾಲಟಿಗಳಲ್ಲಿದ್ದ ಏರುಪೇರುಗಳನ್ನು ಹೋಗರಾಡಿಸಿ, ತಿದ್ದುಪಡಿಮಾಡಿ ಸಮಂಜಸವಾದ ಏಕರೀತಿಯ

ಕಾನೂನನ್ನಾಗಿ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಇದು ಒಂದು ಸ್ವಾಗತಾರ್ಹವಾದ ಮಸೂದೆ ಎಂದು ಹೇಳಬೇಕಾಗಿದೆ. ಹಣಕಾಸಿನ ಮಸೂದೆಗಳನ್ನು ಮತ್ತು ಇತರ ಮಸೂದೆಗಳನ್ನು ರೆಟ್ರಾಸ್ಪೆಕ್ಟೀವ್ ಎಫೆಕ್ಟ್‌ನಿಂದ ಎಂದರೆ ಏಪ್ರಿಲ್ ಒಂದನೇ ತಾರೀಖಿನಿಂದ ಜಾರಿಗೆ ತರುತ್ತಿದ್ದಾರೆ. ಈ ಕಾನೂನನ್ನೂ ಏಪ್ರಿಲ್ ಒಂದನೇ ತಾರೀಖಿನಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಮಾಡಬೇಕೆಂದು ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಾನು ಮಾನ್ಯ ಮಂತ್ರಿ ವರ್ಯರನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ಅದೂ ಅಲ್ಲದೆ ನಮ್ಮ ಮೈಸೂರು ರಾಜ್ಯದಲ್ಲಿ 5 ಭಾಗಗಳಲ್ಲಿರತಕ್ಕ ಮುನಿಸಿಪಾಲಿಟಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಾನೂನನ್ನು ಕೂಡಿಸಿ ಸಮಗ್ರವಾಗಿ ಒಂದು ಆಕ್ಟನ್ನು ಮಾಡಬೇಕು ಎಂದು ಸರ್ಕಾರದವರು ಕೆಲವು ಕಾಲದಿಂದ ಯೋಚಿಸುತ್ತಿದ್ದರು. ಕೆಲವು ಕಾಲದ ಹಿಂದೆ ಇದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂಥ ಒಂದು ಮಸೂದೆಯನ್ನೂ ಸರ್ಕಾರದವರು ಈ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿದ್ದರು. ಆದರೆ ಅದರ ಮೇರೆಗೆ ಯಾವ ಕಾರ್ಯ ಕ್ರಮವನ್ನೂ ತೆಗೆದುಕೊಳ್ಳಲಿಲ್ಲ. ಆದ್ದರಿಂದ ಮಾನ್ಯ ಮಂತ್ರಿವರ್ಯರು ಇಡೀ ಮೈಸೂರು ಸಂಸ್ಥಾನಕ್ಕೆ ಸಮಗ್ರವಾದ ಒಂದು ಮುನಿಸಿಪಲ್ ಆಕ್ಟನ್ನು ಜಾರಿಗೆ ತರುವಂಥಾ ಒಂದು ಕರಡು ಮಸೂದೆಯನ್ನು ಮುಂದಿನ ಅಧಿವೇಶನದಲ್ಲಿ ಈ ಸಭೆಯ ಮುಂದೆ ಇಡಬೇಕೆಂದು ನಾನು ಸರ್ಕಾರದ ವರನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಮುನಿಸಿಪಾಲಿಟಿಗಳಿಗೆ ಯಾವ ರೀತಿಯಿಂದ ಸೌಲಭ್ಯಗಳು ಜಾಸ್ತಿಕೊಡಬೇಕು, ಎಂಬುದೂ ಕೂಡ ಈ ಮಸೂದೆಯಲ್ಲಿ ನಮೂದಿಸಬೇಕಾಗಿದೆ. ಮೋಟಾರ್ ವೆಹಿಕಲ್ಸ್ ಟ್ಯಾಕ್ಸ್‌ನಲ್ಲಿ ಒಂದು ಭಾಗವನ್ನು ನಗರ ಸಭೆಗಳಿಗೆ ಕೊಡುವಂತೆ ಆಗಬೇಕು. ರ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ನಲ್ಲೂ ಕೂಡ ಒಂದು ಭಾಗವನ್ನು ಮುನಿಸಿಪಾಲಿಟಿಗಳಿಗೆ ಕೊಡುವಂತಾಗಬೇಕು. ಮತ್ತು ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಆರ್ಥಿಕ ಪರಿಸ್ಥಿತಿ ಸುಧಾರಿಸುವಂತಾಗಲು ಯಾವುದಾದರೂ ರೀತಿಯಿಂದ ಸರ್ಕಾರದ ಸಹಾಯ ಸಿಕ್ಕಬೇಕು. ಇವೆಲ್ಲವೂ ಹೊಸದಾಗಿ ನಮೂದಿಸಲ್ಪಟ್ಟು ಸಮಗ್ರವಾದ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ತರುವಂತೆ ಸರ್ಕಾರ ಮಾಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ಅಲ್ಲದೆ ಈ ಮಸೂದೆಯನ್ನು ಇನ್ನೂ ಮುಂದಕ್ಕೆ ದೂಡದೇ ಬರುವ ಅಸೆಂಬ್ಲಿಯ ಅಧಿವೇಶನದಲ್ಲೇ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ತರುವಂತಾಗಬೇಕು. ಅದರಿಂದಾಗಿ ನಮ್ಮ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಆಡಳಿತ ಸುಗಮವಾಗಿ ನಡೆಯುವಂತಾಗಬೇಕು ಎಂದು ಈ ಎರಡು ಮಾತನ್ನು ಹೇಳಿ ನನ್ನ ಭಾಷಣವನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟಯ್ಯ (ಮೈಸೂರು ಸಿಟಿ-ಉತ್ತರ).– ಅಧ್ಯಕ್ಷರೇ, ಈ ಮೈಸೂರು ಮುನಿಸಿಪಲ್ ಲಾಸ್ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಬಿಲ್‌ನ್ನು ಮಾಡಿರುವುದು ನೋಡಿದರೆ ನನಗೆ ಬಹಳ ಆಶ್ಚರ್ಯವಾಗುತ್ತದೆ. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ನಾನಾ ಕಡೆ 1933ರ ಆಕ್ಟೇ ಇನ್ನೂ ಜಾರಿಯಲ್ಲಿದೆ. ಕೆಲವು ಪುರ ಸಭೆಗಳಿಂದ ಅದರ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಆಗಬೇಕೆಂದು ಹತ್ತಾರು ವರ್ಷಗಳಿಂದ ಸರ್ಕಾರಕ್ಕೆ ಮನವಿಗಳು ಹೋಗುತ್ತಿವೆ. ಆದರೆ ಸರ್ಕಾರದವರು ಈ ಸಂಸ್ಥಾನಕ್ಕೆ ಹೊರಗಡೆಯಿಂದ ಬಂದಿರತಕ್ಕ ಪ್ರದೇಶಗಳು ಏನಿವೆ ಅವಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ತಿದ್ದುಪಡಿ ಮಾಡುವ ಕಾಲದಲ್ಲಿ ಅದರ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಮಾಡುತ್ತೇವೆ ಎಂದು ಬಹಳ ದಿವಸದಿಂದ ತಳ್ಳುತ್ತಾ ಇದ್ದಾರೆ. ಅದರಲ್ಲೂ ನಮ್ಮ ಈ ಪುರ ಸಭೆಯ ಮಂತ್ರಿಗಳಾಗಿರತಕ್ಕವರಿಗೆ ಇದೆಲ್ಲವೂ ಚೆನ್ನಾಗಿ ಗೊತ್ತಿದೆ. ಮೈಸೂರು ಮುನಿಸಿಪಾಲಿಟೀಸ್ ಆಕ್ಟ್‌ನಲ್ಲಿ ಎಷ್ಟು ನ್ಯೂನತೆಗಳಿವೆ, ಅದರಲ್ಲಿ ಎಷ್ಟು ತಿದ್ದುಪಡಿಗಳಾಗಬೇಕೆಂಬುದನ್ನು ಅವರು ಮೈಸೂರು ಪುರಸಭಾಧ್ಯಕ್ಷರಾಗಿದ್ದಾಗಿನಿಂದಲೂ ಒತ್ತಾಯಪಡಿಸುತ್ತಾ ಇದ್ದಾರೆ. ಅದನ್ನೆಲ್ಲಾ ಬಿಟ್ಟು ಬಿಟ್ಟು ಈಗ ಕೇವಲ ಎರಡು ವಿಷಯಗಳಿಗಾಗಿ ಇದನ್ನು ತಂದಿರುವುದನ್ನು ನೋಡಿದರೆ ಬಹಳ ಆಶ್ಚರ್ಯವಾಗುತ್ತದೆ. ನಾವು ಪ್ರಜಾಪ್ರಭುತ್ವದ ಯುಗದಲ್ಲಿ ಇದ್ದೇವೆ. ಒಬ್ಬ ಸ್ಪೆಷಲ್ ಆಫೀಸರಿಗೆ ಅಧಿಕಾರ ಕೊಡುವುದು ಪ್ರಜಾಪ್ರಭುತ್ವ ಯುಗದಲ್ಲಿ ತತ್ವಕ್ಕೇ ಬಹಳ ವಿರೋಧವಾದುದು. ಈಗಾಗಲೇ ಒಬ್ಬರು ಆಫೀಸರು ಇದ್ದೇ ಇರುತ್ತಾರೆ. ಡೆಪ್ಯೂಟಿ ಕಮೀಷನರಿಗೇ ಕೆಲವು ಅಧಿಕಾರ ಈಗಿರುವ ಆಕ್ಟ್‌ನಂತೆ ಕೊಡಬಹುದು. ಹೀಗಿರುವಾಗ ಒಬ್ಬ ಸ್ಪೆಷಲ್ ಆಫೀಸರನ್ನು ಗೊತ್ತುಮಾಡುವುದರಲ್ಲಿ ಅರ್ಥವೇನು? ಜೊತೆಗೆ ಇದು ಪ್ರಜಾಪ್ರಭುತ್ವ ಯುಗದಲ್ಲಿ ಶೋಭಾಯಮಾನವಾದುದಾಗಿಲ್ಲ ಎಂದು ಒತ್ತಿ ಹೇಳಬೇಕಾಗಿದೆ, ನಮಗ್ರವಾದ ಮಸೂದೆ ತರುವುದನ್ನು ಬಿಟ್ಟು ಇದನ್ನು ತಂದಿದ್ದೀರಿ; ಸಮಗ್ರವಾದ ಮಸೂದೆಯನ್ನು ತಂದಿದ್ದರೆ ಎಲ್ಲವನ್ನು ಕೂಲಂಕಷವಾಗಿ ಯೋಚನೆಮಾಡಿ ಒಪ್ಪ ಬಹುದಾಗಿತ್ತು. ಆ ರೀತಿ ಮಾಡದೆ ಕೇವಲ ಎರಡು ವಿಷಯಗಳಿಗೆ ಮಾತ್ರ ತಂದಿರುವುದನ್ನು ನೋಡಿದರೆ ಮತ್ತೊಂದು ಅಮೆಂಡಿಂಗ್ ಬಿಲ್ ಯಾವಾಗ ಬರುತ್ತದೆಯೋ ಏನೋ ಎಂದು ಅನುಮಾನವಾಗುತ್ತಾ ಇದೆ. ಆದ್ದರಿಂದ ಎರ್ಲಾ ಒಟ್ಟಿಗೇ ತಂದು ಕೂಲಂಕಷವಾಗಿ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟು ಏನು ಸರಿಪಡಿಸಬೇಕು ಅದನ್ನು ಸರಿಪಡಿಸಿದ್ದರೆ ಬಹಳ ಸಂತೋಷ ಪಡುತ್ತಿದ್ದೆವು. ಪ್ರಜಾಪ್ರಭುತ್ವ ಯುಗದಲ್ಲಿ ಇಂಥಾ ಆಫೀಸರುಗಳಿಗೆ ಅಧಿಕಾರ ಕೊಡುವುದು ಬಹಳ ಅನ್ಯಾಯ. ಪ್ರಜಾಪ್ರಭುತ್ವವನ್ನೇ ನಾವು ಉಳಿಸಿಕೊಂಡಂತೆ ಕಾಣಿಸುವುದಿಲ್ಲ ಎಂಬುದು ಇದರಿಂದ ಚೆನ್ನಾಗಿ ಭಾಸವಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ನಾನು ವಿರೋಧ ಮಾಡುತ್ತೇನೆ.

Sri GANJI VEERAPPA (Harihar).–My friend Sri Patil, spoke as if this Bill is intended only against the Belgaum Municipality. In the Bill they have enumerated the situation that has arisen on account of the resignation of majority of members of the Udipi Municipality and the stay order of the High Court issued in the case of City Municipal Council, Mysore, and incidentally, Belgaum has also come there. So, it is a Bill that is brought to have some interim arrangement. In such cases we need the election of the Vice-President or the President. I wish the Government should have brought this Bill much earlier. In fact, my friend Mr. Sunthankar and others are asking the Government as to why some arrangement is not made in the case of Belgaum Municipality also. They are neither responsible nor are they responsible to the Government. Such a situation should not arise. If

(SRI GANJI VEERAPPA)

the Administrator is there till the elections are held, he will be responsible to the Government. Mr. Sunthankar will have an opportunity at least to ask the Government to set right matters. So, I prefer an Administrator at least in the interim period, not for all time, till the elections are held, instead of having the President and Vice-President to continue there. I think Government will take steps to better the situation than allowing these people to continue, who are responsible to nobody. I don't want to comment upon the administration of the Municipality where a majority of people are Maharashtrians or Kannadigas. Figures are there. Our friends are with us and we are happy that they are with us. We shall continue to have them with us. We do not want them to go out of Mysore. In Udipi it is a long time since the Municipal Councillors resigned. Should there not be any interim arrangement? This measure is not meant only for Belgaum. Let not our Belgaum friends mistake. Anyway, to prevent the abnormal position there, the Bill has been brought. I think we have to support the suggestion made by Mr. Puttiah. I wish Government would also bring a consolidated bill so that all problems connected with Municipal administration are set right. I hope Government will very soon bring such a Bill. I welcome this Bill.

†ಶ್ರೀ ಎ. ಕೃಷ್ಣಶೆಟ್ಟಿ (ಮಂಗಳೂರು-II).— ಅಧ್ಯಕ್ಷರೇ, ಈ 5 ಆಕ್ಟುಗಳಿಗೂ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ಈ ಒಂದು ತಿದ್ದುಪಡಿ ಮಸೂದೆಯಲ್ಲಿ ನೀವು ತಂದಿದ್ದೀರಿ. ಈ ಬಿಲ್ಲುಗಳು ಬೇರೆ ಬೇರೆ ಪ್ರದೇಶಗಳಲ್ಲಿ ಬೇರೆ ಬೇರೆ ರೀತಿಯಲ್ಲಿ ಇವೆ. ಹೀಗಿರುವಾಗ ಇದನ್ನು ಸಮಗ್ರವಾದ ಒಂದು ಬಿಲ್ ಮೂಲಕ ಈ ನಭೆಯ ಮುಂದೆ ಇಟ್ಟು ಕಾನೂನು ಮಾಡುವುದಕ್ಕೆ ಬದಲಾಗಿ ಈ ರೀತಿ ತಂದದ್ದು ಸರಿಯಲ್ಲ ಎಂದು ಹೇಳುವುದು ನನ್ನ ಅಭಿಪ್ರಾಯ. ಏಕೆಂದರೆ ಬೇರೆ ಬೇರೆ ಪ್ರದೇಶದಲ್ಲಿ ಬೇರೆ ಬೇರೆ ಆಕ್ಟುಗಳು ಇವೆ. ಇದೂ ಕೂಡ ಸ್ಥಳೀಯ ಆಡಳಿತ ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟುದು. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಹಳೇ ಮೈಸೂರು ಪಂಚಾಯ್ತಿ ಆಕ್ಟು ಇತ್ತು, ಹೈದರಾಬಾದು ಪಂಚಾಯ್ತಿ ಆಕ್ಟು, ಬೊಂಬಾಯಿ ಪಂಚಾಯ್ತಿ ಆಕ್ಟು ಇವನ್ನೆಲ್ಲಾ ಒಟ್ಟಾಗಿ ಸೇರಿಸಿ ನೀವು ಒಂದು ಕಾನೂನು ಮಾಡಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು. ಆ ರೀತಿ ಕಾನೂನು ಮಾಡುತ್ತೇವೆ ಎಂದು ಹೇಳಿ ನೀವು ಆಶ್ವಾಸನ ಕೊಡುತ್ತಾ ಬಂದಿದ್ದೀರಿ. ಸ್ಥಳೀಯ ಆಡಳಿತಕ್ಕೆ ಹೆಚ್ಚು ಅಧಿಕಾರ ಕೊಡಬೇಕು, ಆಡಳಿತ ವಿಕೇಂದ್ರೀಕರಣವಾಗಬೇಕು, ಆ ಮೂಲಕ ಆಡಳಿತ ಜನರ ಕೈಗೆ ಬರಬೇಕೆಂದಿರುವಾಗ ಈಗ ಈ ಆಡಳಿತವನ್ನು ಒಬ್ಬ ಅಧಿಕಾರಿಯ ಕೈಗೆ ಕೊಡುವ ತಿದ್ದುಪಡಿಯನ್ನು ತರುವುದು ಎಂದರೆ ಇದು ನಿಜವಾಗಿಯೂ ಅಧಿಕಾರವನ್ನು ವಿಕೇಂದ್ರೀಕರಣ ಮಾಡುವ ರೀತಿಯಲ್ಲ ಆಕ್ಟು ತರುವುದು ಅಲ್ಲ. ಅದರ ಬದಲಾಗಿ ಇದರಿಂದ ಅಧಿಕಾರವನ್ನು ಕೇಂದ್ರೀಕರಣ ಮಾಡುವುದು, ಅಧಿಕಾರ ಶಾಹಿ ರೀತಿಯಲ್ಲಿ ಅಧಿಕಾರ ನಡೆಸಿಕೊಂಡು ಹೋಗಲು ಪ್ರಯತ್ನ ಮಾಡುವುದು ಎಂದು ವ್ಯಕ್ತವಾಗುತ್ತದೆ.

ಇನ್ನೊಂದು ವಿಷಯ ಏನೆಂದರೆ ಉಡುಪಿ ಮುನಿಸಿಪಾಲಿಟಿಯ ವಿಚಾರವನ್ನು ತೆಗೆದುಕೊಳ್ಳೋಣ. ಅಲ್ಲಿ ಚುನಾವಣೆ ಎಂದೋ ಜರುಗಬೇಕಾಗಿತ್ತು. ಅದನ್ನು ತಡ ಮಾಡಲು ನೀವೇ ಕಾರಣ. ನಿಮಗೆ ಅನುಕೂಲವಾದ ರೀತಿಯಲ್ಲಿ ವರ್ತಿಸುತ್ತಿದ್ದೀರಿ. ರಿಟ್ ಪೆಟಿಷನ್ ಕೂಡ ಸರ್ಕಾರದ ಮುಂದಿದೆ. ನಿಜವಾಗಿಯೂ ಈ ಸರ್ಕಾರದ ಮೇಲಿರುವಷ್ಟು ರಿಟ್ ಪೆಟಿಷನ್ಸ್ ಲೋಕದಲ್ಲಿ ಯಾವ ಸರ್ಕಾರದ ಮೇಲೂ ಇರಲಿಕ್ಕಿಲ್ಲ. ಇದನ್ನು ಒಂದು ರಿಟ್ ಸರ್ಕಾರವೆಂದೇ ಕರೆಯಬಹುದು. ಹಾಗಿರುವಾಗ ಈ ಒಂದು ಕಾನೂನು ಬಂದಿದೆ. ಈಗ ಈ ಪ್ರದೇಶಗಳಲ್ಲಿ ಬೇರೆ ಬೇರೆ ರೀತಿಯ ಆಕ್ಟುಗಳಿವೆ. ಪಂಚಪಾಂಡವರು ದ್ರೌಪದಿ ಮದುವೆ ಮಾಡಿಕೊಂಡ ರೀತಿಯಲ್ಲಿ ಈ ತಿದ್ದುಪಡಿ ತಂದು ಈ ವಿಚಾರದಲ್ಲಿ ಸಮಾಧಾನ ಮಾಡುವುದಕ್ಕೆ ಹೋಗುವುದರಲ್ಲಿ ಯಾವ ಅರ್ಥವೂ ಇಲ್ಲ.

ಇನ್ನೊಂದು ವಿಷಯ. ಮಂಗಳೂರಿನಲ್ಲಿ ಮುನಿಸಿಪಾಲಿಟಿ ಚುನಾವಣೆ ಅಕ್ಟೋಬರಿನಲ್ಲಿ ನಡೆದು ನವೆಂಬರ್ ಒಂದರ ಹೊತ್ತಿಗೆ ಹೊಸ ನಭೆ ಅಸ್ತಿತ್ವಕ್ಕೆ ಬರಬೇಕಾಗಿತ್ತು. ಇತ್ತೀಚೆಗೆ ತಾರೀಖು ಬದಲಾವಣೆ ಮಾಡುವುದರಿಂದ ಚುನಾವಣೆ ಮುಂದಕ್ಕೆ ಹೋಗುತ್ತದೆ. ಈ ಸಂಬಂಧದಲ್ಲಿ ಶ್ರೀನಿವಾಸ ನಾಯಕರ ಒಂದು ತಿದ್ದುಪಡಿಯಿದೆ. ಅದರ ಪ್ರಕಾರ ಶ್ರೀನಿವಾಸ ನಾಯಕರು ಎರಡು ವರ್ಷ ಮುನಿಸಿಪಾಲಿಟಿಯಲ್ಲಿ ಮುಂದುವರಿಯಬಹುದು. ಅದೂ ಅಲ್ಲದೆ ಇದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಹೊಸ ಕಾನೂನು ಕೂಡ ತಂದಿಲ್ಲ. ಇದು ಸರಿಯಾದ ಮಾರ್ಗವಲ್ಲ. ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗೆ ಒಂದು ಅಧಿಕಾರ ಕೊಡುವ ಪ್ರಶ್ನೆ ವಿಚಾರದಲ್ಲಿ ಜನರಿಗೆ ಸಮಾಧಾನ ಪಡಿಸಲು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಕಳುಹಿಸಿ ಬರುವ ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ ತರಬಹುದು. ಹೊಸ ಆಕ್ಟು ಬರುವುದಾಗಿದ್ದರೆ ಇದನ್ನು ಹಿಂದಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕು, ಇಲ್ಲದಿದ್ದರೆ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಕಳುಹಿಸಬೇಕು ಎಂದು ವಿನಂತಿಸಿಕೊಂಡು ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

SRI K. LAKKAPPA.—I have been observing that the Government have been bringing before this House invariably piecemeal legislations, by way of amendments. Now the Government have brought forward this Mysore Municipal Laws (Amendment) Bill. Owing to the absence of a consolidated and comprehensive Act in this respect, we feel that the rights of citizens in a democratic set up are curtailed. These piecemeal amendments and hasty legislation have made it impossible the democratic way of functioning in the country. This amending Bill is the result of a number of writ petitions filed against the Government on account

of mismanagement and maladministration and it reflects upon them. I am particularly opposed to the appointment of administrators contemplated under Section 178-A. Government have also introduced advisory council in this amendment. The tenure of office is at the pleasure of the Government and it clearly shows that administrators and advisor councils are to be under the control of the Government. This shows that the Government want to put further impediments in the functioning of democracy. Further, during the pendency of writ petitions it is not desirable for Government to bring in a piecemeal legislation and obstruct the democratic functioning of municipal administration. I oppose this Bill and I request the Hon'ble Minister in charge of the Bill to withdraw this amending Bill.

Sri B. R. SUNTHANKAR.— Mr. Speaker, Sir, I wish to rise to oppose this Bill with all the emphasis at my command. But before proceeding with my observations I would like a clarification from the Hon'ble Minister. In the Statement of Objects and Reasons three municipalities are referred to, namely, Udipi, Belgaum Borough and Jamkandi Municipalities. The Hon'ble Member Sri Krishna Shetty remarked that elections to Udipi Municipality are already ordered. I want to know about Jamkhandi Municipality and whether elections have been ordered or whether elections have taken place there.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಸ್ವಾಮಿ, ನಮ್ಮ ಮಾನ್ಯ ಸ್ನೇಹಿತರು ಯಾವುದೋ ಒಂದೆರಡು ಮುನಿಸಿಪಾಲಟಿಗಳಿಗಾಗಿ ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ತಂದಿದ್ದಾರೆಂದು ಭಾವಿಸಿಕೊಂಡಿದ್ದಾರೆ.

Sri B. R. SUNTHANKAR.–It is found in the Statement of objects and reasons.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಇಂಥ ಕಾನೂನನ್ನು ತರುವಾಗ ಒಂದು ಉದಾಹರಣೆ ಕೊಟ್ಟರೆ, ಅಷ್ಟೆ, ಒಂದು ವಿಚಾರ ಹೇಳಿದರೆ ಇದರ ಆವಶ್ಯಕತೆ ಎಷ್ಟು ಮಟ್ಟಿಗಿದೆಯೆಂಬುದು ಗೊತ್ತಾಗುತ್ತದೆ. ಉಡುಪಿ ಮುನಿಸಿಪಾಲಟಿಯು ಕಳೆದ ನವೆಂಬರ್ ತಿಂಗಳಿನಲ್ಲಿ 25 ವರ್ಷದ ರಜತಮಹೋತ್ಸವ ನಡೆಸಬೇಕೆಂದು ಆಲೂರಿನಲ್ಲಿ ಅನಧಿಕೃತ ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಮತ್ತು ಸ್ಥಳಾಕ್ರಮಣ ಮಾಡಿದ ಕಾರಣ ತಕ್ಸೀರಿಗೆ ಒಳಗಾಯಿತು. ಆಮೇಲೆ ತಕ್ಸೀರನ್ನು ಸರ್ಕಾರ ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ನಿರ್ಣಯ ಮಾಡಿತು. ಆದರೆ ಸರ್ಕಾರ ಅದನ್ನು ಹಿಂದಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಿತು. ಅದಕ್ಕೆ ಮುನಿಸಿಪಾಲಟಿಯು ಬಹಳ ಕೋಪಗೊಂಡು 14 ಜನ ಸದಸ್ಯರು ರಾಜೀನಾಮೆ ಕೊಟ್ಟರು. ಉಡುಪಿಯಲ್ಲಿದ್ದ 18 ಜನ ಸದಸ್ಯರಲ್ಲಿ 14 ಜನ ರಾಜೀನಾಮೆ ಕೊಟ್ಟರು. ಅಲ್ಲಿ ಕೌನ್ಸಿಲ್ ಅವಧಿಯನ್ನು ವಿಸ್ತರಣಮಾಡಲು ಅವಕಾಶವಿಲ್ಲ, ಚುನಾವಣೆ ಮಾಡೋಣವೆಂದರೆ ಫೆಬ್ರವರಿ ತಿಂಗಳಲ್ಲಿ ಚುನಾವಣೆ ಮಾಡಬಾರದೆಂದು ಕಾನೂನಿನಲ್ಲಿ ನಮೂದಾಗಿದೆ. ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ವಿಶೇಷ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಅಕ್ಟೋಬರ್–ನವೆಂಬರ್‌ನಲ್ಲಿ ಚುನಾವಣೆ ಮಾಡಬೇಕು. ನಾಲ್ಕು ಸದಸ್ಯರು ಮಾತ್ರ ಇರುವುದರಿಂದ ಕೌನ್ಸಿಲ್ ಮೀಟಿಂಗ್ ಕೂಡ ಮಾಡುವ ಹಾಗಿಲ್ಲ. ಈಗಾಗಲೆ ಗಾಂಜಿ ವೀರಪ್ಪನವರು ಹೇಳಿದ ಹಾಗೆ ಅಧ್ಯಕ್ಷರದೇ ಕಾರುಬಾರು ನಡೆಯುತ್ತಿದೆ. ಕೌನ್ಸಿಲ್ ಇಲ್ಲ, ಸರ್ಕಾರದ ದಿಗ್ದರ್ಶನಕ್ಕೆ ಕೂಡ ಬದ್ಧರಾಗಿರುವ ಹಾಗಿಲ್ಲ. ಇಂಥ ಪರಿಸ್ಥಿತಿ ಬಂದಾಗ ಏನು ಮಾಡಬೇಕೆಂಬುದನ್ನು ಯೋಚಿಸಿ ಈ ಕಾನೂನು ತಂದಿದೆಯೇ ಹೊರತು ಉಡುಪಿ ತಾಲ್ಲೂಕಿಗಾಗಲಿ, ಜಮಖಂಡಿ ಅಥವಾ ಬೆಳಗಾಂ ಪುರಸಭೆಗಾಗಿ ಆಗಲಿ ಉದ್ದೇಶಪಟ್ಟು ತಂದಿಲ್ಲ.

5-30 P.M.

Statement of Objects and Reasons ನಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿರುವುದು ಪುರಸಭೆಗಳ ಆಡಳಿತದಲ್ಲಿ ಇಂಥ ಸಂದರ್ಭಗಳು ಬರುತ್ತವೆ, ಆಗ ಇಂಥ ಕಾನೂನು ಬೇಕಾಗುತ್ತದೆ ಎಂಬ ಉದ್ದೇಶದಿಂದ ಇದನ್ನು ತಂದಿರುವುದು ಎಂದು. ಯಾವ ಸಭೆಯಲ್ಲಿ ಚುನಾವಣೆ ನಡೆದಿದೆ, ಯಾವುದರಲ್ಲಿ ನಡೆದಿಲ್ಲ ಎನ್ನುವುದಕ್ಕೂ ಇದಕ್ಕೂ ಸಂಬಂಧವಿಲ್ಲ.

Sri B. R. SUNTHANKAR.—Why not get the clarification ?

Mr. SPEAKER.—Would the Hon. Member kindly tell me whether he has understood the Hon'ble Minister's speech in Kannada.

Sri B. R. SUNTHANKAR.—There was no reference to Belgaum, Sir.

Mr. SPEAKER.—The Hon'ble Member wants to know whether elections have been ordered for Jamkhandi Municipality.

Sri K. PUTTASWAMY.—Not yet.

Sri B. R. SUNTHANKAR.—My honourable friend Sri Ganji Veerappa said that this Bill was brought forth to meet some anamolous situations. That is what he contended. But, Sir, I would like to ask him who is responsible for giving rise to this anamolous position ? Government is responsible for giving rise to such anamolous position. If the term of the municipality expires or the councillors resign, the best course is to hold elections. That is the democratic method. Instead of doing that, Government is bringing a legislation as this which encroaches on the rights of the voters and

(SRI B. R. SUNTHANKAR)

citizens. It is clearly a direct encroachment on the rights of citizens to appoint an administrator instead of holding elections.

MR. SPEAKER.—If members resign, pending holding of elections, there is a time lag—what is to happen during that period ?

SRI B. R. SUNTHANKAR.—Whenever there is a vacancy, there is provision in the Municipal Act.....

MR. SPEAKER.—Take the instance of Udipi Municipality, where the majority resigned. There cannot be a quorum. A notification has to be issued, a date has to be fixed, nominations are to be invited and elections finalise. During that period.....

SRI B. R. SUNTHANKAR.—The best way, according to me, was to fill up the vacancies by holding the elections.

MR. SPEAKER.—During that period, if the majority resign—if all but one resign, can he function ?

SRI B. R. SUNTHANKAR.—I think he cannot function.

MR. SPEAKER.—Therefore this Bill is brought to cover such emergencies

SRI V. S. PATIL.—We are not opposing the whole Bill.....

MR. SPEAKER.—That is the point.

SRI V. S. PATIL.—Sir, I should like to bring to your notice that we are not opposing the whole Bill. Under certain circumstances, the Special Officer may be appointed. That is our view, but not in the circumstances created by the Government by withholding elections.

MR. SPEAKER.—The scope is limited now.

SRI B. R. SUNTHANKAR.—The Bill s retrograde and against all democratic principles. It strikes at the very root of the objective of local-self-Government. The motive behind the Bill is malignant. Government has thrown to winds all democratic principles by bringing forth this piece of legislation.

Sir, in the Statement of Objects and Reasons, as I have already said, the conditions for appointing an administrator are "If the councillors have resigned, or the term expires. We object to these two conditions". As I already said, when the term of any municipal body expires or whenever there are vacancies due to resignation, these vacancies can be filled by holding fresh elections. That is the best way. But, instead of doing that, Government is taking recourse to a very objectionable way of appointing an administrator. Appointing an administrator, as a matter of fact, should be the last step. When all other measures have failed, appointing the administrator should be resorted to as the last step. When there is mismanagement or default or abuse of power or utter failure of duties, misappropriation or such other grave charges against the municipal body, Government has power to appoint. an administrator Particularly the Bombay Act gives full.....

MR. SPEAKER.—When there is mismanagement or misappropriation, we may supersede the municipality. Here the provision is with regard to other matters.

SRI B. R. SUNTHANKAR.—As for appointing an administrator, it is the last step. There is a provision, particularly, in the Bombay Act, to meet situations arising out of abuse of power, misappropriation, mismanagement and maladministration. Then an administrator is appointed by the Government. But here the fact is that the Government has committed default and to cover the default and failure of Government, this Bill has been brought forth. Let me take the case of Belgaum Municipality. Its term expired on 20th February 1962. The best course was to hold elections. Government failed in its duty to hold elections, as Hon'ble Sri Patil pointed out. Under Rule 12 of the Bombay Boroughs Municipal Act, 1925, the holding of elections is a statutory obligation on the Deputy Commissioner. I will read the rule for the information of the House. Rule 12 runs thus :

> "Fixing of stage of election : A general Municipal election shall be held between such and such dates and in such place or places as may be fixed by the Collector" *i.e.*, the Deputy Commissioner.

"The collector shall fix the date and hour for the holding elections nomination of candidates and scrutiny of nominations, recording of votes and counting of votes"

This rule is very clear. According to this rule, there is a statutory obligation on the Deputy Commissioner to hold elections, whenever the term expires. It is a mandatory provision. In the case of Belgaum Municipality, particularly, it is a default on the part of Government. The word used is "shall." So the Collector must hold elections. So there has been a dereliction of duty of the part of the Deputy Commissioner of Belgaum, and for this dereliction, for this default of Government, the local body is being punished.

Ultimately the voters are punished and they are deprived of electing their own representatives to the local body. The Bombay Municipal Borough Act, 1959, is a self-sufficient and self-contained legislation and it makes provision for all contingiencies and all anomalous situations referred to by my Hon'ble friend Sri Ganji Veerappa. Provision is made there to meet situations arising out of vacancies being caused by resignation or expiry of term of office of the Council, mismanagement, default etc. There is also provision for supersession and for administration being taken over by the Government.

Sri GANJI VEERAPPA.—There is no provision there for such a situation as the present.

Sri B. R. SUNTHANKAR.—According to the provisions of the present Bill, if any municipality unfortunately falls into the bad books of the Government and incurs the wrath of Government, then Government will choose not to hold fresh elections after the expiry of term of the Council and appoint an Administrator to take over the administration of the municipality. That is what this Bill seeks to do. This Bill wants to punish a municipality for the fault of Government. If we see the title of the Bombay Act of 1925 it says: "An Act to give wide powers in the management of municipal affairs in certain cities." So the very object of the 1925 Act is to give wide powers to municipalities, but this Bill is striking at the very root of the very object of the 1925 Act by amending it and making provision to appoint an Administrator after the expiry of term of the Borough Miuncipality.

The 1925 Act is the culmination of a long process of development and progress of local self-government in our country, but this Government are putting the clock back by this Bill. The local self-government institution in India has a tradition of 112 years. For the first time under the British regime by an Act of 1850 the British Imperialist rulers established these local self-government bodies. After the enactment of 1850 the Belgaum Municipality was etablished in 1852 and it has a tradition of 110 years. In the earlier days all these municipalities were nominated, but with the passage of time even the British rulers began to impart more and more power to these local bodies and several enactments were passed extending the powers of the local bodies. In 1873 the principel of elections was introduced for the first time.

Mr. SPEAKER.—Are you tracing the history of local self-Governmant? How is it necessary with reference to this Bill?

Sri B. R. SUNTHANKAR.—I want to show that by this legislation the Government are obstructing the development of local self-government institutions.

Mr. SPEAKER.—That you have said very convincingly.

Sri B. R. SUNTHANKAR.—The Belgaum Municipality will be the first victim of this legislation because as soon as this Bill is passed into law the first Administrator will be appointed for the Belgaum Municipality. This amending Bill is a deliberate and calculated moved to take over the Belgaum Municipal administration in the hands of Government. That is our open charge. We have no doubt about that. This municipality has a standing of 110 years and has a very good record. As my friend Hon'ble Sri Patil pointed out, there was never an occasion for the municipality to be superseded or

(SRI B. R. SUNTHANKAR)

suspended during its course of 110 years and it was the best administered municipality in the whole of Bombay Karnatak area. This municipality has incurred the wrath of this Government because it has been espousing from the very beginning the cause of merging the Belgaum city and the Marathi border area with Maharashtra. It has passed special resolutions several times asking for integration of Belgaum City and the Marathi area with Maharashtra. It has been voicing the aspirations and desire of the people in that area. There is one more. Point in regard to this municipality, The official record of the municipality has been maintained throughout in Marathi and Marathi has been the official language of this Municipality, since the very beginning but the local Congress Committee and the local Congresswalas want to change it to Kannada. They cannot do it in the ordinary course and that is why they are taking recourse to this step and to Kannadise our municipality which has been the stronghold of the aspirations and desires of the Marathi people. As pointed out by my friend Sri Patil there is clearly a political motive behind this legislation.

Mr. SPEAKER.—Do you mean to say that ever since this municipality was established 110 years ago it has been maintaining its official record in Marathi? Was there not the Kelker Award?

Sri B. R. SUNTHANKAR.— Yes sir, since the beginning they are kept in Marathi Kalkar Award was not for Belgaum. It was for Bellary. As has already been stated by my Hon'ble friend Sri V.S. Patil, within the last three years this Government tried twice to supercede the Municipality. The Government served show cause notice twice during the last 3 years, but found no grounds and was helpless. This Municipality, before the expiry of the term, requested the Deputy Commissioner, to hold elections and submitted to the Deputy Commissioner even the calendar of programme of elections. As the term was to expire in the month of February the Municipal President requested the Deputy Commissioner by his letter dated 12th December 1961 to hold elections early, but no reply was received by the Municipality even till now to their request of holding elections.

Mr. SPEAKER.—Are there any other members who want to participate in the Debate?

Sri K. PUTTASWAMY.—I want to make a request to the House. This is a very important matter concerning the Municipal Administration. In several areas, occasions have arisen very often necessitating the appointment of Special Officer. Now-a-days, every election is going to be challenged through writs. Therefore, the Government are very anxious that this Bill must be passed. I request the Hon'ble House through the Speaker to find some time either to-day or to-morrow, so that we may pass the Bill. I am not submitting that the time allotted for the 'no-confidence' motion should in any way be curtailed.

Mr. SPEAKER.—The Hon'ble Minister will kindly see whether they are willing to sit to-day and finish it.

Sri K. PUTTASWAMY.—That is why I was guardedly making a submission 'either to-day or to-morrow, Therefore, I would request the Hose to kindly sit for one more hour to-day and finish the Bill.

Sri S. SIVAPPA.—To-morrow there is no question of taking away any time from the 'no-confidence' motion. If more members want to participate in the Debate, we cannot avoid it. So, if the House feels like sitting for some more hours, it is left to the desire of the Members. I feel that even if we sit for one more hour, there is no possibillity for finishing it, as there are four pages of amendments.

Mr. SPEAKER.—Suppose we finish the general principles of the Bill and keep the amendments for to-morrow after this? I am just gathering the sense of the House.

Sri K. PUTTASWAMY.—If the Chair can kindly dispense with the Question Hour, that one hour can be made use of. I am making a submission through

you to the House. If one or two Members say, it cannot be the opinion of the House.

Sri C. J. MUCKANNAPPA.—Let him take whatever time he wants to get the Bill passed. It is not the opinion of the House if the Minister submits anything to the Speaker. Let him carry the entire House with him.

Mr. SPEAKER.—He did not say that was the opinion of the House. He wanted me to assess the opinion of the House.

Sri SANJEEVANATHA AIKALA.—I submit that the Session can be extended by one more day.

Mr. SPEAKER.—28th is a holiday.

Sri B. D. JATTI (Minister for Finance).—To day, it appears that they are not in a mood to sit for one hour more. Tomorrow; we can request after their work is over and we can sit.

Sri G. V. GOWDA.—It is not our work. It is official business.

Mr. SPEAKER.—We shall see it to-morrow. Five small pieces put together do not make a big thing.

Sri B. R. SUNTHANKAR.—As already stated by Sri V. S. Patil, we are not opposing the Bill as a whole. The provision regarding expiry of the term as well as the resignation of Councillors, those two items (*c*) and (*d*) of the new additional section, should be omitted. We object to the appointment of an Advisory Body. As has been already pointed out by my Hon'ble friend, Sri K. Lakkappa, it is very likely, and that Government will appoint its own hench men on the Advisory Body. The Belgaum Congress Committee is just waiting for this opportunity. Kannadigas from the Belgaum Congress Committee have set up a town imporvement committee of their own and are simply waiting to get nominated on the advisory body Similarly, we want the Administrators to go as early as possible. The Administrator should remain there only till the time the stay order is vacated in the case of the stay order by the Court or if elections are held invalid. Only for that period, the Administrator should be there. He should be there for the minimum period.

6-00 P. M.

My last point is that is Bill has agitated very much the minds of the public of Belgaum. They have record ed their protest by observin g Harta and holding mammoth meeting. Il request the Government to withdraw this bad piece of legislation. I wanted to bring to the notice of this House the feelings of the people of Belgaum and that is why I have referred to it.

The last point is this: as has been already stated by my Hon'ble friend Sri Patil, this is one of the measures meant to crush our agitation. There is no other feeling except that. Sir, let me humbly tell this House that my people in Belgaum are not going to be crushed like that. They are not going to be cowed down or humbled down like that. I again request the Government to again withdraw this Bill. I hope good sense will prevail with the Hon'ble Minister and he will withdraw this Bill.

Mr. SPEAKER.—Is the House agreeable. to sit any longer today?

HON'BLE MEMBERS.—No, No.

Mr. SPEAKER.—The House will now stand adjourned till one P. M. tomorrow.

The House adjourned at Five Minutes Past Six of the Clock to meet again at One of the Clock on Wednesday, the 26th September 1962.